

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
JOSEPHINE LINKER HART, JUDGE

DIVISION II

CACR07-500

WILLIAM DAVID WATSON

January 16, 2008

APPELLANT

V.

APPEAL FROM THE CRAWFORD  
COUNTY CIRCUIT COURT  
[NO. CR-2005-60]

STATE OF ARKANSAS

HON. GARY R. COTTRELL,  
CIRCUIT JUDGE

APPELLEE

MOTION TO BE RELIEVED DENIED;  
REBRIEFING ORDERED

On September 7, 2005, William David Watson pleaded guilty to non-support, and he received a six-year suspended imposition of sentence. He was ordered to make payments to retire his \$9,000 child-support arrearage. Subsequently, the State petitioned to revoke his suspended sentence due to his failure to make payments in accordance with the schedule. After a hearing, Watson's suspended imposition of sentence was revoked and he was sentenced to forty-eight months in the Arkansas Department of Correction.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(j) of the Rules of the Arkansas Supreme Court and Court of Appeals, Watson's counsel has filed a motion to withdraw on grounds that the appeal is without merit. The clerk of this court

furnished appellant with a copy of his counsel's brief and notified him of his right to file *pro se* points for reversal within thirty days. Watson did not avail himself of this opportunity, and the State did not file a brief.

The motion filed by Watson's counsel was accompanied by an abstract and brief purportedly referring to everything in the record that might arguably support an appeal. We find, however, that Watson's counsel has not completely complied with Rule 4-3(j) in that the addendum does not contain the ledger that was the subject of one of the two adverse evidentiary rulings in this case. Furthermore, based upon our review of the record and the law concerning revocation of a suspended imposition of sentence, we have concluded that a merit argument on appeal addressing the decision to revoke would not be wholly frivolous.

When an appeal is submitted to this court under the *Anders* format and we believe that an issue is not wholly frivolous, we are required to deny appellate counsel's motion to withdraw and order rebriefing in adversary form. *Tucker v. State*, 47 Ark. App. 96, 885 S.W.2d 904 (1994).

Motion to withdraw as counsel denied.

Rebriefing ordered.

HEFFLEY and MILLER, JJ., agree.